

Binghamton, NY - Congressman Maurice Hinchey (D-NY) today delivered remarks during the first session of the U.S. Environmental Protection Agency's (EPA) two-day hearing on its study of the hydraulic fracturing process used to extract natural gas.

"I authored the provision that ensured the EPA would conduct this study because serious questions have been raised about the risks posed to drinking water by the toxic chemicals injected into the ground during the fracking process," said Hinchey prior to the hearing. "Despite these questions, the oil and gas industry continues to hold a special exemption from the rules other industries have to play by in order to protect the public. This study will help answer these questions and guide our public policy in a way that properly balances risks and benefits. After what happened in the Gulf of Mexico earlier this year, we simply cannot rely on oil and gas industry to tell the truth and keep us safe. We have to know the facts about drilling, and this study will give us the science."

In October, 2009, Congress approved a provision authored by Hinchey that formally urged the EPA to conduct the study, which EPA then initiated in March, 2010. The full text of the Congressman's remarks are as follows:

"Good afternoon. This event has been a long time coming and I want to welcome and thank everyone for coming here today and participating in this important hearing. I also want to thank those who have spent considerable time organizing, negotiating... and renegotiating, and doing the things necessary to ensure that this hearing takes place in a serious and productive manner.

"The relatively recent discovery of the size (500 trillion cubic feet of gas) and value (\$1 trillion) of the 400 million year old Marcellus shale gas play has brought pressures on homeowners, landowners, and government that few could have anticipated. As your representative in the US Congress, I have focused much of my attention over the past several years on the potential consequences -- both good and bad -- of natural gas drilling in the Marcellus Shale.

"Part of my job is to ensure that the laws protecting our public health and environment, and the regulatory apparatus needed to enforce these laws, keep pace with ever changing circumstances -- which, in this case, means the unconventional drilling technique known as high volume hydraulic fracturing.

"As many of you know, I urged EPA to conduct the study we are advancing today and I want to

commend EPA Administrator Lisa Jackson for agreeing that this work needed to be done.

"Administrator Jackson's comments, in response to my questions at a hearing in May of 2009, convinced me to include an amendment in last year's EPA appropriations bill that initiated this study. Despite opposition from some within industry, I was able to successfully get the amendment adopted, which called for a new examination of hydraulic fracturing based on the best available science.

"Six years ago, EPA released its first examination of hydraulic fracturing's impact on drinking water. This study focused exclusively on coal bed methane deposits in the South and was in many ways, misleading and incomplete. At the time, the agency concluded that fracking posed no risk to water supplies.

"However, according to in depth reviews by independent experts and an EPA whistleblower, this conclusion was actually contradicted by some of the study's own findings and the study's final outcome was heavily influenced by non scientific political appointees in the prior administration.

"Nonetheless, the 2004 study was used to help convince Congress to exempt hydraulic fracturing from the protections of the Safe Drinking Water Act, as well as portions of the Clean Water Act.

"I, along with a few others, strongly opposed these provisions because we knew it was wrong and dangerous to grant an industry wholesale exemptions from our country's most important public health laws. Unfortunately, we were not successful and despite recent efforts by myself and others, these exemptions remain in place today.

"This is why a new, comprehensive, unbiased EPA investigation of hydraulic fracturing is so vitally important. We cannot and must not move forward with hydraulic fracturing absent an independent, scientific analysis, supported by empirical data, of the risks that hydraulic fracturing can pose to water supplies or air quality.

"The results of this study will guide the federal government's policies, and perhaps policies abroad, regulating natural gas drilling. As EPA determines this study's scope, I have several recommendations that I believe the agency should adopt.

"First and foremost, this study must be comprehensive and look at all ways that drinking water supplies and non-drinking water supplies can be impacted by natural gas drilling including, but not limited to well blow-outs caused by fracking, spills, casing failures, flowback materials and treatment, out of zone fractures, and the unpredictable nature of fractures that occur below the surface and away from the well sight.

"EPA must get out into the field to see hydraulic fracturing operations first hand, including well drilling, stimulation and well completion. During these visits to well sites -- some of which should be surprise visits -- EPA must involve and speak to local citizens and should consult nongovernmental organizations about how drilling operations are impacting local communities.

"There are numerous reports of water contamination related to hydraulic fracturing in states across the country. Despite the fact that EPA is in many ways precluded from taking regulatory action in response to these reports, I strongly believe EPA must investigate them, along with the responses from industry and states, to understand what is being done to keep water supplies safe.

"I understand that a study of this magnitude will take time, but I urge the agency to budget and request sufficient resources to carry out this endeavor comprehensively and efficiently. As a member of the House Interior and Environment Appropriations Subcommittee, I will fight to ensure the agency's budget requests are approved.

"Finally, as I emphasized when I authored the legislative provision authorizing this study, science must dictate the study's conclusions. EPA must do all it can to ensure that its scientists and researchers are not influenced by industry or politics so that the public can be assured that this study was carried out in the public's interest -- and no other. Public health and the well-being of our environment deserve nothing less.

"Thank you for this opportunity to offer my comments. I look forward to seeing this study begin as soon as possible."